

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH TENUTO	:	CIVIL ACTION
	:	
v.	:	NO. 05-5339
	:	
GEORGE PATRICK	:	

ORDER

AND NOW, this 4th day of April, 2006, upon consideration of the Petition for Writ of Habeas Corpus (Docket No. 1), the Respondent/Commonwealth's Answer to Petition for Writ of Habeas Corpus, the Report and Recommendation filed by United States Magistrate Judge Linda K. Caracappa, and the petitioner's objections and amended objections to the Report and Recommendation, and after a thorough and independent review of the record, it is **ORDERED** that:

- 1) The Report and Recommendation of Magistrate Judge Caracappa is **APPROVED** and **ADOPTED**;
- 2) The Petition for Writ of Habeas Corpus is **DENIED** and **DISMISSED**; and,
- 3) There is no probable cause to issue a certificate of appealability.

s/Timothy J. Savage
TIMOTHY J. SAVAGE, J.